

## AGENDA MEMO

**CITY COUNCIL MEETING DATE: APRIL 18, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SDR-18349 - APPLICANT/OWNER: GRAND TETON LODGE LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 4, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-1-1/gt, sd vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Special Use Permit (SUP-18347) and Special Use Permit (SUP-18630), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 11/28/06, except as amended by conditions herein.
4. A revised landscape plan shall be submitted prior to the time an application is made for a building permit depicting a total of twenty-one 24-inch box trees spaced 20 feet on center in the landscape perimeter buffer along the north side of the property, fourteen 24-inch box trees spaced 20 feet on center in the landscape perimeter buffer along the east property line, and one parking lot landscape finger for every six parking spaces.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

12. If not already constructed at time of development, construct half-street improvements on Durango Drive and Grand Teton Drive, including the widened median island on Grand Teton Drive, concurrent with development of this site. If applicable, extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
13. The required equestrian trail along the north side of this site shall be deeded to the City of Las Vegas within one year of completion of construction. The trail shall be privately maintained prior to conveyance. Coordinate with the right-of-way section of the Department of Public Works regarding the appropriate method to convey the trail to the City of Las Vegas; a parcel map or other map may be required to create the legal trail parcel.
14. The required multi-use transportation trail along Durango Drive shall be granted to the City of Las Vegas prior to the issuance of any permits and shall be designated as a multi-use transportation trail easement over its entirety to be privately maintained; coordinate the right-of-way section of the Department of Public Works regarding document preparation.

15. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
16. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
18. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
19. Site development to comply with all applicable conditions of approval for ZON-3509 and all other applicable site-related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is for a Site Development Plan Review for a proposed 4,056 square-foot Service Station without Automotive Repair, an 800 square-foot Car Wash, and a 2,700 square-foot Restaurant with Drive-Through on 2.71 acres on the northeast corner of Grand Teton Drive and Durango Drive.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
3/17/99	The Board of County Commissioners approved the rezoning (ZC-1702-98) of the northeast corner of Durango Drive and Grand Teton Drive.
6/08/99	The City Council approved the annexation [A-28-99(A)] of the subject site. The effective date of the annexation was September 24, 1999.
6/21/00	The City Council approved a Special use Permit (U-0011-00) for a tavern at the subject site. The Planning Commission and staff recommended approval.
7/17/02	The City Council approved of an Extension of Time [U-0011-00(1)] for the approved Tavern. The Planning Commission and staff recommended approval.
03/17/04	The City Council approved a General Plan Amendment application (GPA-3483) from PCD (Planned Community Development) to SC (Service Commercial), a Rezoning (ZON-3509) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], and a Review of Condition (ROC-2671) to remove a condition that restricted commercial development to the western portion of the subject site. The Planning Commission recommended approval of the GPA, ZON and ROC on 1/22/04 and tabled requests for a Special Use Permit (SUP-3513) for a proposed mini-warehouse facility, and a Site Development Plan Review application (SDR-3511) for a proposed 71,570 square foot office, tavern, mini-storage development. Staff recommended approval for all five applications.

04/06/05	The City Council approved a Special Use Permit (SUP-5691) for a Tavern and a Waiver from the distance separation requirements from an existing park, a Variance (VAR-5694) to allow a 24-foot setback where residential adjacency standards require a minimum of 73 feet, a Variance (VAR-5693) a Variance to allow 132 parking spaces where 148 spaces are the minimum required, and a Site Development Plan Review (SDR-5689) for a 6,115 square-foot tavern and a Waiver of trash enclosure separation. The Planning Commission recommended approval on 03/10/05 and staff recommended denial.
01/11/07	The Planning Commission held in abeyance a Special Use Permit (SUP-18347) for a proposed 800 square foot Car Wash, Full Service; a Special Use Permit (18630) for a proposed Beer/Wine/Cooler Off-sale Establishment and a Site Development Plan Review (SDR-18349) for the Car Wash, a Service Station without automotive repair and a fast-food restaurant with a drive-through. Staff recommended denial.
02/08/07	The Planning Commission recommended approval of companion items SU-18347 and SUP-18630 concurrently with this application.  The Planning Commission voted 5-1-1/gt, sd to recommend APPROVAL (PC Agenda Item #17/r).

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/09/05	Business License L16-266-4-1214 issued for a Tavern issued to Tomfoolery, inactive effective 06/07/06.
06/07/06	Pending Business License requests created for The Lodge at Grand Teton including C05-96168-0-107791 for Tobacco Retailer, C08-96164-0-107791 for Coin Operated Amusements, C20-96167-7-850 for Convention Hall Gaming Tax, G01-96166-4-850 for Gaming-Restricted, and R09-96163-0-107791 for a Restaurant.
08/18/06	Building Permit C-0189-05 issued for a trash enclosure, on-site improvements and a Certificate of Occupancy for a tavern on the subject site.

<b><i>Pre-Application Meeting</i></b>	
11/13/06	At a Pre-application meeting, the applicant was told of the requirements for a site development plan review and the requirements for a special use permit. Additional detail was given regarding landscaping and parking requirements particular to the subject site.

<b><i>Neighborhood Meeting</i></b>	
01/02/06	<p>A neighborhood meeting was held at the Silverstone Golf Club 8600 Cupp Drive at 6:00 p.m. Attendance included three members of the development team, nine members of the public and one member of the Planning &amp; Development staff. The following concerns were brought up by members of the public:</p> <ul style="list-style-type: none"> <li>• Concerns about the speaker box of the fast food pad</li> <li>• Area over saturated by alcohol uses</li> <li>• Request for a family restaurant</li> <li>• No 24 hrs uses</li> </ul> <p>Concerns about Day Care use at 7955 Quail Heaven being too close to uses.</p>

<b><i>Details of Application Request</i></b>			
<b><i>Site Area</i></b>			
Gross Acres	2.71		
<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Tavern, Undeveloped	SC (Service Commercial)	U(SC) Undeveloped (Service Commercial) under Resolution of Intent to C-1 (Limited Commercial)
North	Single Family	PCD (Planned Community Development)	R-PD6 (Residential Planned Community – 6 Units per Acre)
South	Single Family (under construction)	PCD (Planned Community Development)	R-PD7 (Residential Planned Community – 7 Units per Acre)
East	Single Family (under construction)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) under Resolution of Intent to R-PD7 (Residential Planned Community – 7 Units per Acre)
West	Undeveloped (proposed retail)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) under Resolution of Intent to C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A

## DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	115,730 Square Feet	Y
Min. Lot Width	100 Feet	220 Feet	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	10 Feet	16 Feet	Y
• Corner	15 Feet	24 Feet	Y
• Rear	20 Feet	80 Feet	Y
Max. Lot Coverage	50%	12%	Y
Max. Building Height	N/A	32.75 Feet	Y
Trash Enclosure	50 Feet from residential uses	62 Feet	Y
Mech. Equipment	Screened	Screened	Y
<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	79.5 Feet	105 Feet	Y
Adjacent development matching setback	10 Feet	80 Feet	Y
Trash Enclosure	50 Feet from residential uses	73 Feet	Y

### *Landscaping and Open Space Standards*

<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces 1 Finger/6 Spaces	22	23	Y N*
Buffer:				
Min. Trees				
North	1 Tree/20 Feet	21	20	N*
East	1 Tree/20 Feet	14	12	N*
South	1 Tree/30 Feet	13	18	Y
West	1 Tree/30 Feet	9	9	Y

<b>TOTAL</b>				
Min. Zone Width				
• East	15 Foot Buffer		15 Foot	Y
• North	8 Foot Buffer		10 Foot	Y
• West	8 Foot Buffer		8 Feet	Y
• South	15 Foot Buffer		20 Feet	Y
<b>Wall Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
Wall Height				
East Property Line				
North Property Line	Minimum 6 Feet, Maximum 8 Feet		8 Foot Block Wall	Y
Line	Minimum 6 Feet, Maximum 8 Feet		8 Foot Block wall	Y

\*\* Additional trees to be required by Condition 4.

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi- capped	Regular	Handi- capped	
Tavern (Existing)	3,171 SF	1:50 SF	64				
	Public seating						
	3,204 SF	1:200 SF	16				
	Remainder						
Car Wash*	800 SF	NA	NA				
Service Station	4,056	1:250 SF	16				
Restaurant*	650 SF	1:50 SF	13				
	Public seating						
	2,050 SF Remainder	1:200 SF	10				
Sub-Total			114	5	122	5	
TOTAL –Including Handicapped			119		127		Y

\* The Restaurant Drive-Through and the Car Wash each provide six stacking spaces in addition to the above parking spaces provided.



<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Landscape Island at end of 100 Foot Aisle.	1 Landscape Finger every 6 parking spaces.	Denial

## ANALYSIS

The subject site is located in a C-1 (Limited Commercial) zone in the SC (Service Commercial) Land Use designation area within the Centennial Hills Sector of the Las Vegas 2020 Master Plan. The C-1 zone is intended to provide most retail shopping and personal services. This district should be on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors, such as Grand Teton Drive and Durango Drive. The property is not located within any special plan areas or overlay districts. The proposed restaurant and convenience store is appropriate and conforming to C-1 zone and the SC designation; however the proposed site plan is too intense for the specific location. The proposed site plan includes a full service car wash and a fast food restaurant with a drive through; however, a previously approved Site Development Plan Review (SDR-5689) on the site was approved with a condition “no roll-up doors or drive-thru windows shall be allowed on this site.”

The proposed site plan depicts a proposed 2,700 square-foot fast food restaurant, a proposed 4,056 service station without automotive repair with an attached 800 square-foot full-service car wash, and an existing 6,375 square-foot tavern on a 115,730 square foot parcel. 127 parking spaces are provided where 125 are required. The site plan conforms to all Title 19 development standards including building setbacks, lot coverage, building height and screening. The proposed structures conform to the residential adjacency standards as required in Title 19 including proximity slope and residential equivalent setbacks. Both the tavern and the service station are oriented to the setback line at Grand Teton Drive, with the restaurant set behind the service station. Sufficient stacking for six vehicles is provided for both the car wash and for the restaurant drive-through. However, the combination of uses on this site is deemed too intense for the surrounding neighborhood, and staff; therefore, recommends denial.

A multi-use transportation trail runs along the west property line of the subject site along the Durango Drive right-of-way. Also, a multi-use equestrian trail runs along the north property line of the subject site. The latter is contained entirely in the subject site. The proposed site plan and landscape plan depict that the trails will be built to the standards as required by the Las Vegas 2020 Master Plan, as previously required by previously approved Site Development Plan Review (SDR-5689).

The perimeter landscape buffer widths comply with the Title 19 requirements; however, the plan shows a deficiency of one tree in the north buffer and two trees in the east buffer. The south buffer has five trees more than are required and a condition of approval has been added to require sufficient trees spaced 20 feet on center. The parking lot has a sufficient number of trees, but there are several spaces in which there are more than six spaces without a landscape finger or island. A condition has been added to provide a revised landscape plan prior to the issuance of building permits.

The elevations and floor plans depict structures which are consistent with Title 19 standards, and the colors and materials would be appropriate to the surrounding community at a more appropriate site.

## **FINDINGS**

**The following findings must be made for an SDR:**

- 1. The proposed development is compatible with adjacent development and development in the area;**

While the proposed project is compatible with the General Plan land-use designation for the area and satisfies the requirements of the Zoning Code with respect to minimum separation distance requirements, the intensity of a Car Wash, Full Service use on this site in combination with an approved tavern and other proposed development is too intense to be harmonious and compatible with the surrounding area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

While the proposed uses are permitted under the General Plan, the proposed development on this lot, and the necessary Waiver of Parking Lot landscape standards, indicate that this request exceeds the intensity that is appropriate for the site and cannot be supported.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site will be accessed from Durango Drive a (100-foot) Primary Arterial and Grand Teton Drive a (120-foot) Parkway Arterial as designated on the Master Plan of Streets and Highways. The on-site circulation is limited as a parking lot landscape waiver is necessary in order to accommodate the required number of parking spaces.

**4. Building and landscape materials are appropriate for the area and for the City;**

The intensity of the uses, including a drive-through adjacent to Grand Teton Drive, indicates an attempt to exceed the intensity appropriate for the site that cannot be overlooked even though the materials and architectural features may be of appropriate quality for the area.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations depict design characteristics and other architectural and aesthetic features which are attractive and conducive to the locality, but the buildings themselves are inappropriate for the subject site.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

While, the proposed development will be subject to the Uniform Building Code, the intensity of the proposed development may compromise the public health, safety or welfare.

**PLANNING COMMISSION ACTION**

The Planning Commission requested a re-design prior to City Council to which the applicant agreed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

16

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 867 by Planning Department

**APPROVALS** 0

**PROTESTS** 1